

Hearing Date and Time: October 7, 2025 at 10:00 a.m. EST
Opposition Date: August 29, 2025
Reply Date: September 26, 2025

Jeffrey M. Eilender
Jolene LaVigne-Albert
Joshua Kahane
John Moore
SCHLAM STONE & DOLAN LLP
26 Broadway
New York, New York 10004
Tel.: (212) 344-5400
Email: jeilender@schlamstone.com
Email: jlavignealbert@schlamstone.com
Email: jkahane@schlamstone.com
Email: jmoore@schlamstone.com

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

<p>In re:</p> <p>EQUILIBRE BIOPHARMACEUTICALS CORP.,</p> <p style="text-align: right;"><i>Debtor.</i></p>	
<p>GREGORY M. MESSER Solely in His Capacity as Chapter 7 Trustee of the Estate of Equilibre Biopharmaceuticals Corp.,</p> <p style="text-align: right;"><i>Plaintiff,</i></p> <p style="text-align: center;">-against-</p> <p>SAMUEL WAKSAL, individually, as the former Chairperson, Chief Executive Officer, and President of Equilibre Biopharmaceuticals Corp. Chairperson, and Chief Executive Officer and President of Graviton Bioscience Corporation, Graviton Bioscience Holding Corporation, Graviton US Corp. (USA), and Graviton Bioscience B.V., FRANCOIS MAISONROUGE, RUI WU, PETER SIMON, GRAVITON BIOSCIENCE CORPORATION, GRAVITON BIOSCIENCE HOLDING CORPORATION, GRAVITON US CORP. (USA), GRAVITON BIOSCIENCE B.V., BIHUA CHEN,</p> <p style="text-align: right;"><i>Defendants.</i></p>	<p>Bankruptcy Case No. 23-12099 (PB)</p> <p>Chapter 7</p> <p>Adversary Proceeding Case No. 25-01087 (PB)</p> <p>NOTICE OF GRAVITON DEFENDANTS' MOTION TO DISMISS THE ADVERSARY PROCEEDING OR TO STAY THE ACTION</p>

PLEASE TAKE NOTICE, that upon the accompanying Declaration of Jolene F. LaVigne-Albert, dated July 21, 2025, and the exhibits annexed thereto, the Declaration of Duncan Rennie, dated July 11, 2025 and the exhibit annexed thereto, and the memorandum of Law, dated July 21, 2025, Defendants Samuel Waksal, Rui Wu, Graviton Bioscience Corporation, Graviton Bioscience Holding Corporation, Graviton US Corp. (USA), Graviton Bioscience B.V., and Bihua Chen (collectively the “Graviton Defendants”) will move this Court, at a zoom hearing before the Honorable Philip Bentley, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York, 10004 on October 7, 2025 at 10:00 a.m. EST or as soon thereafter as counsel may be heard for an order (a) dismissing all Counts of the Complaint with prejudice, pursuant to F.R.C.P. 8(a) (as to all Graviton defendants), F.R.C.P. 12(b)(6) (as to all Graviton Defendants) and F.R.C.P. 12(b)(2) (for lack of personal jurisdiction as to Defendant Graviton Bioscience B.V.), as made applicable herein by Federal Rule of Bankruptcy Procedure 7012; (b) alternatively, abstaining from hearing this action, pursuant to 28 U.S.C. § 1334(c)(1)-(2); and (c) providing such other relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that the Hearing shall be conducted via Zoom. Participants are required to register their appearance by 4:00 p.m. the day before the Hearing at <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>.

PLEASE TAKE FURTHER NOTICE that, under the Stipulation and Order, filed on May 23, 2025 (Dkt. No. 11), answering papers, if any, shall be served on or before August 29, 2025, and reply papers, if any, shall be served on or before September 26, 2025.

Dated: July 21, 2025
New York, New York

SCHLAM STONE & DOLAN LLP

/s/ Jeffrey M. Eilender

Jeffrey M. Eilender

Jolene LaVigne-Albert

Joshua Kahane

John Moore

26 Broadway

New York, New York 10004

Telephone: (212) 344-5400

Email: jeilender@schlamstone.com

Email: jlavignealbert@schlamstone.com

Email: jkahane@schlamstone.com

Email: jmoore@schlamstone.com

*Attorneys for Defendants Samuel Waksal, Rui Wu,
Graviton Bioscience Corp., Graviton Bioscience
Holding Corporation, Graviton US Corp. (USA),
Graviton Bioscience B.V., and Bihua Chen*

Hearing Date and Time: October 7, 2025 at 10:00 a.m. EST
Opposition Date: August 29, 2025
Reply Date: September 26, 2025

Jeffrey M. Eilender
Jolene LaVigne-Albert
Joshua Kahane
John Moore
SCHLAM STONE & DOLAN LLP
26 Broadway
New York, New York 10004
Tel.: (212) 344-5400
Email: jeilender@schlamstone.com
Email: jlavignealbert@schlamstone.com
Email: jkahane@schlamstone.com
Email: jmoore@schlamstone.com

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

<p>In re:</p> <p>EQUILIBRE BIOPHARMACEUTICALS CORP.,</p> <p style="text-align: right;"><i>Debtor.</i></p>	
<p>GREGORY M. MESSER Solely in His Capacity as Chapter 7 Trustee of the Estate of Equilibre Biopharmaceuticals Corp.,</p> <p style="text-align: right;"><i>Plaintiff,</i></p> <p style="text-align: center;">-against-</p> <p>SAMUEL WAKSAL, individually, as the former Chairperson, Chief Executive Officer, and President of Equilibre Biopharmaceuticals Corp. Chairperson, and Chief Executive Officer and President of Graviton Bioscience Corporation, Graviton Bioscience Holding Corporation, Graviton US Corp. (USA), and Graviton Bioscience B.V., FRANCOIS MAISONROUGE, RUI WU, PETER SIMON, GRAVITON BIOSCIENCE CORPORATION, GRAVITON BIOSCIENCE HOLDING CORPORATION, GRAVITON US CORP. (USA), GRAVITON BIOSCIENCE B.V., BIHUA CHEN,</p> <p style="text-align: right;"><i>Defendants.</i></p>	<p style="text-align: center;">Bankruptcy Case No. 23-12099 (PB)</p> <p style="text-align: center;">Chapter 7</p> <p style="text-align: center;">Adversary Proceeding Case No. 25-01087 (PB)</p> <p style="text-align: center;"><u>GRAVITON DEFENDANTS' MOTION TO DISMISS THE ADVERSARY PROCEEDING OR TO STAY THE ACTION AND PROPOSED ORDER</u></p>

Defendants Samuel Waksal, Rui Wu, Graviton Bioscience Corporation, Graviton Bioscience Holding Corporation, Graviton US Corp. (USA), Graviton Bioscience B.V., and Bihua Chen (collectively the “Graviton Defendants”), by and through their undersigned attorneys, bring this Motion to Dismiss pursuant to F.R.C.P. 8(a) (as to all Graviton Defendants), F.R.C.P. 12(b)(6) (as to all Graviton Defendants) and F.R.C.P. 12(b)(2) (for lack of personal jurisdiction as to Defendant Graviton Bioscience B.V.), as made applicable herein by Federal Rule of Bankruptcy Procedure 7012; or (b) alternatively, this Motion to Stay, requesting that this Court abstain from hearing this action, pursuant to 28 U.S.C. § 1334(c)(1)-(2). The facts and argument in support of this Motion are set forth in the contemporaneously filed Memorandum of Law, accompanying Declaration of Jolene F. LaVigne-Albert, Declaration of Duncan Rennie, and documents attached thereto.

WHEREFORE, the Graviton Defendants respectfully request that the Court dismiss all claims against them in the Complaint with prejudice. Alternatively, the Graviton Defendants respectfully request that the Court abstain from hearing this action. A proposed order is attached hereto as Exhibit A.

Dated: July 21, 2025
New York, New York

SCHLAM STONE & DOLAN LLP

/s/ Jeffrey M. Eilender
Jeffrey M. Eilender
Jolene LaVigne-Albert
Joshua Kahane
John Moore
26 Broadway
New York, New York 10004
Telephone: (212) 344-5400
Email: jeilender@schlamstone.com
Email: jlavignealbert@schlamstone.com
Email: jkahane@schlamstone.com
Email: jmoore@schlamstone.com

*Attorneys for Defendants Samuel Waksal, Rui Wu,
Graviton Bioscience Corp., Graviton Bioscience
Holding Corporation, Graviton US Corp. (USA),
Graviton Bioscience B.V., and Bihua Chen*

Exhibit A

Proposed Order

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

EQUILIBRE BIOPHARMACEUTICALS CORP.,

Debtor.

Chapter 7

Case No. 23-12099 (PB)

GREGORY M. MESSER, Solely in His Capacity as
Chapter 7 Trustee of the Estate of Equilibre
Biopharmaceuticals Corp.,

Plaintiff,

Adv. Proc. No. 25-01087 (PB)

v.

SAMUEL WAKSAL, individually, as the former
Chairperson, Chief Executive Officer, and President of
Equilibre Biopharmaceuticals Corp. Chairperson, and
Chief Executive Officer and President of Graviton
Bioscience Corporation, Graviton Bioscience Holding
Corporation, Graviton US Corp. (USA), and Graviton
Bioscience B.V., FRANCOIS MAISONROUGE, RUI
WU, PETER SIMON, GRAVITON BIOSCIENCE
CORPORATION, GRAVITON BIOSCIENCE
HOLDING CORPORATION, GRAVITON US CORP.
(USA), GRAVITON BIOSCIENCE B.V., BIHUA
CHEN,

Defendants.

**[PROPOSED] ORDER GRANTING GRAVITON DEFENDANTS' MOTION TO
DISMISS THE ADVERSARY PROCEEDING OR TO STAY THE ACTION**

Upon consideration of the Motion to Dismiss the Adversary Proceeding or to Stay the Action, filed on July 21, 2025 by Defendants Samuel Waksal, Rui Wu, Graviton Bioscience Corporation, Graviton Bioscience Holding Corporation, Graviton US Corp. (USA), Graviton Bioscience B.V., and Bihua Chen (collectively the “Graviton Defendants”), and all opposition

thereto, and all other proceedings on the record with respect to the Motion, the Court will grant the Motion as follows:

IT IS HEREBY ORDERED THAT

(1) the Motion by Defendant Graviton Bioscience B.V. to dismiss for lack of personal jurisdiction is **GRANTED**;

(2) The Graviton Defendants' Motion to Dismiss for failure to state a claim and for lack of specificity under Rule 8(a) is **GRANTED** in all respects and all claims against the Graviton Defendants are hereby **DISMISSED WITH PREJUDICE**;

[(3) the Graviton Defendants' Motion for the Court to Abstain from this Case and to Stay all proceedings as to all the Defendants herein pending the resolution of the action in New York state court captioned *L4 Bio, LLC v. Graviton Bioscience Corp., et al*, N.Y. Sup. Ct. N.Y.Co. Index No. 652469/25 is **GRANTED**.]

Dated: _____

Honorable Philip Bentley
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

<p>In re:</p> <p>EQUILIBRE BIOPHARMACEUTICALS CORP.,</p> <p style="text-align: right;"><i>Debtor.</i></p>	
<p>GREGORY M. MESSER Solely in His Capacity as Chapter 7 Trustee of the Estate of Equilibre Biopharmaceuticals Corp.,</p> <p style="text-align: right;"><i>Plaintiff,</i></p> <p style="text-align: center;">-against-</p> <p>SAMUEL WAKSAL, individually, as the former Chairperson, Chief Executive Officer, and President of Equilibre Biopharmaceuticals Corp. Chairperson, and Chief Executive Officer and President of Graviton Bioscience Corporation, Graviton Bioscience Holding Corporation, Graviton US Corp. (USA), and Graviton Bioscience B.V., FRANCOIS MAISONROUGE, RUI WU, PETER SIMON, GRAVITON BIOSCIENCE CORPORATION, GRAVITON BIOSCIENCE HOLDING CORPORATION, GRAVITON US CORP. (USA), GRAVITON BIOSCIENCE B.V., BIHUA CHEN,</p> <p style="text-align: right;"><i>Defendants.</i></p>	<p>Bankruptcy Case No. 23-12099 (PB)</p> <p>Chapter 7</p> <p>Adversary Proceeding Case No. 25-01087 (PB)</p>

CERTIFICATE OF SERVICE

I hereby certify that copies of Defendants Samuel Waksal, Rui Wu, Graviton Bioscience Corporation, Graviton Bioscience B.V., Graviton US Corp. (USA), Graviton Bioscience Holding Corporation, and Bihua Chen (collectively the “Graviton Defendants”)’s Motion to Dismiss the Adversary Proceeding or to Stay the Action, Notice of Motion to Dismiss the Adversary Proceeding or to Stay the Action, the Memorandum of Law in Support of Motion to Dismiss the Adversary Proceeding or to Stay the Action, Declaration of Jolene F. LaVigne-Albert, and Declaration of Duncan Rennie, were served electronically on the date of filing through the Court’s

ECF System on all ECF participants registered in this case at the email addresses registered with the Court.

Dated: New York, New York
July 21, 2025

SCHLAM STONE & DOLAN LLP

By: /s/ Jeffrey M. Eilender
Jeffrey M. Eilender
Jolene LaVigne-Albert
Joshua Kahane
John Moore
26 Broadway, 19th Floor
New York, New York 10004
Telephone: (212) 344-5400
Email: jeilender@schlamstone.com
Email: jlavignealbert@schlamstone.com
Email: jkahane@schlamstone.com
Email: jmoore@schlamstone.com

*Attorneys for Defendants Samuel
Waksal, Rui Wu, Graviton
Bioscience Corporation, Graviton
Bioscience Holding Corporation,
Graviton US Corp. (USA), Graviton
Bioscience B.V., and Bihua Chen*